

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

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|---------------------------------------|---|---------------------------------------|
| JOHNATHAN POWELL, | : | |
| | : | |
| Plaintiff, | : | Case No. 4:23-CV-00116-CDL-MSH |
| | : | |
| v. | : | |
| | : | |
| COLUMBUS POLICE DEPT., et al., | : | |
| | : | |
| Defendants. | : | |

ORDER

Pro se Plaintiff Johnathan Powell, a pre-trial detainee confined in the Muscogee County Jail in Columbus, Georgia filed a 42 U.S.C. § 1983 complaint. ECF No. 1. Plaintiff also requested leave to proceed *in forma pauperis*. ECF No. 2. On July 24, 2023, the Court granted Plaintiff's motion to proceed *in forma pauperis* and ordered Plaintiff to pay an initial partial filing fee of \$11.29. ECF No. 4. Plaintiff was further ordered to recast his complaint and provided with specific instructions on how to do so. *Id.* Plaintiff was given fourteen days to comply with the Court's order. *Id.* He was informed that failure to comply may result in dismissal. *Id.* Plaintiff failed to pay the initial partial filing fee or recast his complaint as ordered.

Instead, on August 10, 2023, the Court received a letter from the Muscogee County Sheriff's Department that Plaintiff's inmate account was depleted. ECF No. 5. On August 18, 2023, the Court referenced this letter from the Sheriff's Department and ordered Plaintiff to submit a complete inmate account statement so that the Court could conduct an

additional evaluation of his financial status or he should otherwise pay the filing fee. *See* ECF No. 6. Plaintiff was again reminded that he must also recast his complaint in order to proceed with this civil action. *Id.* Plaintiff was provided an additional fourteen days to respond. *Id.* Plaintiff did not respond.

Therefore, on September 11, 2023, the Court notified Plaintiff that it had not received a response and ordered him to show cause why his action should not be dismissed for failure to comply with this Court's orders. ECF No. 7. The Court specifically informed Plaintiff that his action would be dismissed if he failed to respond or otherwise address the filing fee and file his recast complaint. *Id.* Plaintiff was given fourteen (14) days to respond, and he again failed to do so. *Id.*

Because Plaintiff has failed to respond to the Court's orders or otherwise prosecute his case, his complaint is **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this **2nd** day of **October, 2023**.

S/Clay D. Land

CLAY D. LAND, JUDGE
UNITED STATES DISTRICT COURT